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October 29, 2021

**VIA ECF**

Honorable Lois H. Goodman, U.S.M.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: SPG Dry Cooling USA LLC v. Evapco Dry Cooling, Inc.  
Civil Action No. 20-20131 (FLW) (LHG)**

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Dear Judge Goodman:

This firm represents Plaintiff SPG Dry Cooling USA LLC ("Plaintiff") in the above-referenced matter. We write to notify the Court of a recent development that warrants the scheduling of an initial conference at the Court's earliest convenience so Plaintiff may pursue its claims against Defendant Evapco Dry Cooling, Inc. ("Defendant") in this action, filed nearly a year ago.

As Your Honor is aware, Defendant has filed a motion to stay (ECF No. 28) based on its *inter partes* review ("IPR") petitions filed before the Patent Trial and Appeals Board ("PTAB") to challenge the validity of the claims of U.S. Patent Nos. 10,551,126 ("the '126 patent"), 10,527,354 ("the '354 patent") and 9,551,532 ("the '532 patent"), the three patents asserted in this action. However, on October 26, 2021, the PTAB denied Evapco's IPR petition on the merits as to the '532 patent. *See* Exhibit A. Thus, the basis for Evapco's motion to stay has been extinguished, and there is no reason to further delay the proceedings in this action. Indeed, no matter what happens with the other two patents pending before the PTAB, this action will need to proceed. And as Plaintiff detailed in its opposition to Defendant's motion to stay (ECF No. 33), Plaintiff will experience undue prejudice based on the parties' competitive posture if not allowed to pursue its claims against Defendant and pursue discovery right away. Accordingly, Plaintiff respectfully requests that an initial conference be scheduled and Evapco's motion to stay be denied.

We thank the Court for its continued attention to this matter and remain available at the Court's convenience to address any questions or concerns.

Respectfully submitted,

s/ William P. Deni, Jr.  
William P. Deni, Jr.

Enclosure

cc: All counsel of record (via ECF)